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OUR OFFICIATING CHIEF JUSTICE.

It is with great pleasure and satisfaction that we welcome the appointment of Mr. Justice Rajamannar as Officiating Chief Justice of our High Court. It is but most appropriate that in the new era of Independent India, the exalted office of the head of the Judiciary should be held by a son of the soil. That Mr. Justice Rajamannar is in every way eminently qualified to fill that high office is an acknowledged fact. He possesses in abundance the many qualities of head and heart required to successfully discharge the rather onerous and exacting duties of the office of the Chief Justice of a premier Province.

After qualifying for the Bar, he was practising as a lawyer, was appointed the Advocate-General and then a Judge of the High Court. Could anything be more natural than that one who has had such an all-round experience should have been chosen to preside over the judicial administration of our Province? It would have been strange indeed, if it had been otherwise. His very pleasant manners and unfailing courtesy are enough to endear him to everyone. The practitioners appearing before him have always had a patient and attentive hearing and his Judgments are well balanced and characterised by a thorough grasp of facts of the cases and an accurate knowledge of the law on the relevant subject. His knowledge of law and his ability as a lawyer have made him a most successful judge. Apart from all this, he is a refined gentleman of culture interested in arts and literature.

It is at this time in the history of our country that we need an honest, efficient, strong and independent judiciary. In fact a strong and independent judiciary is the best safeguard that a citizen can have in a free and democratic country. It is really fortunate for our Province that Mr. Justice Rajamannar should have been selected to occupy the post of Chief Justice at this juncture. A gentleman of high character, deep learning and sound experience, he has been given the opportunity to occupy that office at a comparatively early age and we are certain that he would acquit himself with great distinction and set an illustriuos example to the future occupants of that office.

WELCOME TO THE OFFICIATING CHIEF JUSTICE IN COURT.

In the course of a welcome address to the Officiating Chief Justice, Mr. K. Rajah Iyer, the Advocate-General said :

" It is my privilege and pride to offer your Lordship on behalf of the Bar our greetings and congratulations on your appointment as the Officiating Chief Justice as a prelude to your appointment as the first Indian Chief Justice of the Madras High Court in a free and independent India. The high office to which you have been called carries with it great duties and responsibilities but we are confident that you will rise equal to every occasion and that during your tenure of office, the Madras High Court will acquire even greater prestige than it has had in the past. Let me tell your Lordship that your appointment has been acclaimed with satisfaction and rejoicing on all hands ; and we of the Bar have no hesitation whatsoever in offering our whole-hearted co-operation in the tasks which lie ahead of you, so that under your auspices the Bench and the Bar functioning together as one unit can achieve the ideals which our retiring Chief Justice has formulated in such clear terms. A strong and independent Judiciary and an equally strong and independent Bar are the pivots of any well-ordered society and efficient government. It is even more so in the India of today when changes of a far-reaching and perhaps revolutionary character are in the offing and it may be a matter of great difficulty to maintain the balance between the clash of conflicting ideologies and interests and between the rights of the subject and the needs of the state. We have however every hope and confidence that under your guidance, the Bar and the Bench will play their proper role in the new order.

It is needless for me to dilate upon the great traits of high character, erudition and ability which you possess in such abundance and which have contributed to raise you to the lofty position which you occupy today. The deep-rooted interests which you have in other fields such as art, music, English, Sanskrit and Telugu literature mark you out from the majority of lawyers and judges, who have known no other lure except that of the law. You are just in that period of life when you combine the bubbling energy and enthusiasm of youth with the sobriety and mature discrimination of age and experience. You have charmed every one who has come into contact with you by your unfailing courtesy and winning manners. You have given the practitioners who have appeared before you the fullest liberty of argument ; and you have brought to bear on the disposal of cases a calm and dispassionate judgment. It is with these assets that your Lordship enters upon your new sphere of greater activity and usefulness and your work as Chief Justice is bound to be crowned with glory and success. It is indeed a happy augury for the future that this Province is having as its Chief Justice one like you who is so entirely free from all narrow prejudices of every description and who is actuated solely by high and lofty ideals. The illustrious son of an illustrious father who is happily alive to-day to see his son occupy the highest position in the Judiciary of the Province, you have vindicated the rich heritage of tradition, culture and legal lore and our expereience of you as Judge during the past three years amply justifies our expectations that you will endear yourself to us in the future in the same manner and degree as in the past. It is a happy coincidence that to-day we are meeting under good auspices—I refer to the nation-wide jubilation at the termination of Mahatma Gandhi's fast.

REPLY OF THE OFFICIATING CHIEF JUSTICE.

Replying to the welcome, the Officiating Chief Justice said " I am deeply grateful to you Mr. Advocate-General and members of the Bar for the generous welcome you have accorded me. I feel that I need this welcome and the strength it imparts to sustain me in the onerous task which I have to perform in this office. I greatly appreciate the flattering words expressed by you regarding myself and

the reference to my respected father. But Mr. Advocate-General, knowing me as you do, you would understand me if I did not say more than thank you very much.

I am of course happy and proud that it has fallen to me to be the first to hold this exalted office after the momentous change in India's history on August 15th. But I am not in the least degree vain, for I know that prizes are accidents. And I have a conviction that everyone of us and more so, one who holds a responsible office like this, is but an instrument of Providence, *Nimitta Matram* in the words of the *Bhagavad Gita*. You have adverted to a very important matter, the independence of the Judiciary. I am in entire agreement with all that you have said. It might interest you to know that five months ago, I contributed an article to the Independence Day supplement published by a daily newspaper in Madras in which I said as follows : "It cannot be sufficiently emphasised that the greatest device for the maintenance of public confidence in a State is an absolutely independent Judiciary. And linked up with it, is the other great principle known as the Rule of law. New India should foster both". I wrote those words when I did not dream that I would occupy this office as soon as now. But I promise you that I shall strive my utmost to ensure that the fair administration of justice is not hampered or diverted by political interference or party exigencies. Any attempt to weaken or destroy the independence of the Judiciary will be resented by me and my learned brothers as much as by the Bar and the public. But one need not be unduly apprehensive. The fair name of this country must, I believe, be as dear and sacred to those who are at the head of the Government as it is to us.

In the discharge of my duties I have one advantage. For over 20 years, I have been one of you and I shall never forget that fact. If you have grievances and difficulties, they were equally mine. If you are zealous of your privileges and ideals, I have been so equally with you. Without the hearty and voluntary co-operation of the Bar, the efficiency of judicial administration cannot be maintained at a high level. I seek at the hands of the Bar such help and co-operation and I am gratified to be assured of such co-operation through you. It is far easier to inherit a fortune and keep it than to maintain a tradition. In the case of this office which has a great and noble tradition, I am faced with a stupendous task in maintaining and fostering it. It has pleased God to give me this opportunity to serve. The fruits of my actions are not mine. '*Karmanyeva Adhikarasthe ma paleshu Kadachana*'. That has been also the principle of that great soul, Mahatma Gandhi, whose life has been once more spared to us. Thank you once more."

RETIREMENT OF MR. JUSTICE N. CHANDRASEKHARA IYER.

Bidding farewell to a retiring popular Judge like Mr. Justice Chandrasekhara Iyer is not at all an easy matter. A high spirited and independent Judge, he had discharged his duties all these years with conspicuous ability and distinction. His wide experience as a successful lawyer and as a District Judge have been his invaluable assets. His frank and pleasant manners have always made every practitioner feel quite at home in his Court. His ebullient spirits was always contagious and it became quite natural for practitioners to argue their cases before him with zest and enthusiasm. No doubt, sometimes his quickness to come to conclusions might have been disconcerting to some. But that was because he felt so strongly about the justness of the view which he took. Bare technicalities never appealed to him. He decided the cases before him according to the spirit rather than the letter of the law, and his decisions have invariably been just and sound.

Mr. Justice Chandrasekhara Iyer, while yielding to none in maintaining the dignity of his high office, felt that it should not interfere with his social life outside the Courts of law. A more genial companion and a better or truer friend it

would be hard to find. Though he has reached the age of retirement, he is quite hale and hearty and his mind is as active and alert as ever. Is it too much to hope that his unbounded enthusiasm and remarkable ability for sustained work would in the momentous days ahead be diverted in channels for the betterment of the country and the people? We wish him long life and happiness.

REFERENCE IN COURT.

On the eve of the retirement of His Lordship Mr. Justice N. Chandrasekhara Iyer, The Advocate General, Mr. K. Rajah Aiyar in the course of a reference in Court said :

" One familiar face after another is retiring from the High Court and now we have assembled here to bid your Lordship goodbye on the eve of your retirement. My memory goes back to the very early years of your practice when as a junior under the illustrious son of South India, Sir C. P. Ramaswami Iyer, you were associated with him in his wide practice on the Original side of the High Court. Your conspicuous attainments and ability compelled attention from several other quarters including Sir K. Sreenivasa Iyengar, Mr. Alladi Krishnaswami Iyer and Sir Murray Coutts-Trotter ; and it was no surprise to us when you were appointed City Civil Judge in the year 1927. Even at that time many of us knew that you were closely following in the footsteps of Sir C. V. Kumaraswami Sastriar who similarly became a City Civil Judge and thereafter a Judge of the High Court. It was therefore no surprise again when in the fullness of time you were elevated to a seat on the Bench of the High Court after having gathered wide experience as a District Judge in all parts of the Presidency, Andhra, Tamilnad and Karnataka. Judging from your appearance and your buoyant energy, one would hardly think that you are completing the age of 60 in another three days and that you have reached the stage of retirement from active life. One of your great characteristics has been your utter unconventionality and a disregard of the outer trappings of form and appearance. Your life and career have been an outstanding example of plain living and high thinking. Being by nature and temperament of a highly religious frame of mind, you have ever endeavoured steadily to discharge the duties of your office impartially and without fear or favour. You have kept your Court always lively and to a large extent free from that sombre atmosphere which generally prevails in a Court of law. It may be that occasionally your good humour has been mistaken for brusqueness but every one must have known and realised that there was no sting behind your utterance and manner of expression. You have never made other people feel the weight of your office while maintaining its full dignity. On the other hand you have mixed freely, one might almost say too freely, with all members of the Bar, senior and junior alike, making no distinction between one man and another. Your legal learning and quickness of grasp enabled you to comprehend the questions arising in any case with alacrity ; and herein again that very quickness might have been responsible for a feeling in certain quarters that they had not been allowed as full a hearing as they might have liked or enjoyed elsewhere; but no one can say that justice had suffered in your Lordship's Court. You have been a great lover of sport and the Districts in which you have served have reason to remember your name with the several sporting institutions which owed their orgin and inspiration to you. Your friends who have known you intimately knew that no better friend could be found in every sense of the word. You have had a kindly thought for every one and never harboured resentment or illwill against any one. A well-read scholar in Sanskrit and Telugu you have upheld and maintained the traditions of a devout Hindu. You have also been a patron of learing, art and music ; and your great interest in education has found practial shape in the Vivekananda College. Now that the shackles of office are falling from your shoulders, you will be at liberty to devote the rest of your life to promote those causes which contribute to the social and moral well-being of your country and which are nearest your heart. May God bless your Lordship with long life, happiness and prosperity."

MR. JUSTICE CHANDRASEKHARA IYER'S REPLY.

Thanking the Advocate-General for the generous terms in which he had referred to him, Mr. Chandrasekhara Aiyar said :

"It is a matter of much satisfaction to me to learn that my work as a Judge, such as it has been, has met with approval at the hands of such an intellectual and critical body as the members of the Madras Bar. Everyone of you extended to me in full measure your help and co-operation in the discharge of my duties and such success as has been given to me to achieve is due to this generous assistance for which I feel really grateful. During the six and odd years I have been with you as a Judge of this High Court, I always felt that I have been in the midst of an intimate circle of friends who were prepared to overlook my shortcomings and magnify my virtues. You, Mr. Advocate-General, have alluded to my activities outside the Court in fields not strictly pertaining to law. May I say that while it is perfectly true that a Judge must confine himself mainly to his judicial world and should not get himself mixed up with controversial affairs political, economic or social, it is my conviction that he would be failing in his obligations to the exalted position he holds in society if at the same time he does not devote himself to the service of causes and measures calculated to promote public good and on which there could be no real difference of opinion.

Before I bid you *au revoir* and not " farewell," I desire to state that I associate myself unreservedly with every sentiment expressed by Sir Frederick Gentle and Mr. Justice Rajamannar, our Officiating Chief Justice, on the need for maintaining unimpaired the great traditions of this High Court for efficiency, impartiality and independence. In this connection, I would beg you, my brethren, to think of recruitment to the High Court Bench not in terms of sectional, class, credal or regional representation, but only from the standpoint of securing absolutely the best men available whether they are to be found in the ranks of the Bar, or the subordinate judicial service, and whether they are Telugus or Tamils, Brahmins or non-Brahmins, Muslims or Christians. Much of the stability of the Government depends on the existence of a competent and fearless judiciary inspiring confidence in the minds of the public by the soundness of their conclusions and in their freedom from prejudice or bias. Men of true culture, high character and lofty attainments must man the highest courts in the land, for it is only then that standards will be set up and examples furnished which would elevate and purify not merely the legal atmosphere in Courts of law and justice, but also the general level of society in the much wider sphere around.

Let me conclude by tendering thanks once again to you, Mr. Advocate-General and the members of the Bar on whose behalf you have spoken. Let me wish all of you collectively, and every one of you individually, happiness and prosperity. As I shall be remaining largely in Madras even after my retirement there will be many opportunities of our meeting one another and exchanging ideas or comparing notes. I count among you many personal friends and I have no doubt that you will all extend to me in the future as in the past, your trust, goodwill and co-operation. I must also express my indebtedness to the staff of the High Court for all the help they have given me right through ".